

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re:	:	
	:	Case No. 17-50897
RICOP CONSTRUCTION CO.	:	
	:	Chapter 7
	:	
Debtor.	:	Judge C. Kathryn Preston
	:	
	:	
LJW-RICOP ENTERPRISES, INC.	:	Case No. 17-50898
	:	
	:	Chapter 7
	:	
Debtor.	:	Judge C. Kathryn Preston
	:	
	:	
LJW-1 RICOP, LLC	:	Case No. 17-50899
	:	
	:	Chapter 7
	:	
Debtor.	:	Judge C. Kathryn Preston
	:	
	:	
LJW-2 RICOP, LLC	:	Case No. 17-50901
	:	
	:	Chapter 7
	:	
Debtor.	:	Judge C. Kathryn Preston
	:	
	:	
LJW-3 RICOP, LLC	:	Case No. 17-50902
	:	
	:	Chapter 7
	:	
Debtor.	:	Judge C. Kathryn Preston
	:	
	:	
LJW-4 RICOP, LLC	:	Case No. 17-50904
	:	
	:	Chapter 7
	:	
Debtor.	:	Judge C. Kathryn Preston
	:	
	:	

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LJW-5 RICOP, LLC	:	Case No. 17-50905
	:	
	:	Chapter 7
Debtor.	:	
	:	Judge C. Kathryn Preston

**CHAPTER 7 TRUSTEE’S MOTION FOR JOINT ADMINISTRATION  
OF MULTIPLE DEBTOR BANKRUPTCY CASES**

The Chapter 7 Trustee, Christal L. Caudill, (“Trustee”) hereby submits this motion (the “Motion”), pursuant to 11 U.S.C. §105 and Rule 1015 (b) of the Federal Rules of Bankruptcy Procedure for the joint administration of the above referenced debtor cases. The Trustee’s request is for procedural purposes only. The basis for this Motion is more fully set forth in the following Memorandum in Support.

Respectfully submitted,

/s/ Christal L. Caudill  
\_\_\_\_\_  
Christal L. Caudill  
Chapter 7 Trustee  
3757 Attucks Drive  
Powell Ohio 43065  
Telephone: (614) 389-4942  
Facsimile: (614) 389-3857  
[clcaudill@caudill-law.com](mailto:clcaudill@caudill-law.com)

**MEMORANDUM IN SUPPORT**

**I. JURISDICTION AND VENUE**

1. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§157 and 1334. This proceeding is a core proceeding as defined in 28 U.S.C. § 157(b)(2).

2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

## **II. BACKGROUND**

3. The Debtors commenced these cases by the filing of voluntary petitions for relief under Chapter 7 of Title 11 of the United States Code on February 20, 2017 (the “Petition Date”).

4. It is the information and belief of the Trustee, based upon her review of the filings herein and her meeting to date with representatives of the Debtors that:

- a. Debtor, Ricop Construction Company (“Ricap”) is an Ohio for-profit corporation, formed on October 9, 1990. Rebecca Beatty is the sole shareholder of the Class A voting shares of Ricop. Ms. Beatty also holds 46.67% of the Class B non-voting shares, with the remaining Class B non-voting shares owned equally by Lorissa Bennett and Jody Steen. At all relevant times, Walter Beatty has acted as the President of Ricop. Following its inception, Ricop acted as a commercial general contractor, primarily in the Midwest region. A large degree of Ricop’s work centered around the construction and renovation of automobile dealerships. Prior to the Petition Date, Ricop entered into a contract with an automobile dealership in West Virginia for the renovation of an existing dealership. However, prior to the Petition Date, and before any work could be commenced, the contract was terminated by the owner. As of the Petition Date, Ricop had no ongoing construction projects.

- b. Debtor, LJW-Ricap Enterprises, Inc. (“LJW”) is an Ohio for-profit corporation, formed on April 29, 1997. Ms. Bennett and Ms. Steen each own 20% of the shares of LJW, with the remaining shares held by the Walter J. Beatty Revocable Trust dated October 7, 1999. Similar to Ricop, Mr. Beatty has acted as the President of LJW

since its inception. In the fall of 2014, largely as a result of the oil and gas boom in Southeast Ohio and neighboring states, the decision was made to create five (5) wholly owned subsidiaries of LJW, with the idea that each subsidiary would perform construction projects in a designated industry. Other than its status as the sole member of the five (5) wholly owned subsidiaries, LJW has had very little business activity since its inception. In fact, LJW's only other business activity has been as the lessor under various equipment leases with Ricop.

c. Debtor, LJW-1 Ricop LLC, ("LJW-1") is an Ohio limited liability company, formed on September 12, 2014. LJW-1 was designated to perform construction projects primarily in the automotive industry. Prior to the Petition Date, LJW-1 was engaged in two (2) separate projects at automobile dealerships located in Lancaster and Delphos, Ohio. These contracts were terminated by the owners prior to the Petition Date. As of the Petition Date, LJW-1 had no ongoing construction projects.

d. Debtor LJW-2-Ricop, LLC ("LJW-2") is an Ohio limited liability company formed on September 30, 2014. Similar to LJW-1, LJW-2 was designated to perform construction projects primarily in the automotive industry. Prior to the Petition Date, LJW-2 was engaged in two separate projects at automobile dealerships in Kokomo, Indiana, and Minerva, Ohio. These contracts were terminated by the owners prior to the Petition Date. As of the Petition Date, LJW-2 had no ongoing construction projects.

e. Debtor LJW-3 Ricop, LLC ("LJW-3") is an Ohio limited liability company formed on September 30, 2014. LJW-3 was designated to perform construction projects primarily in the hospitality industry. Prior to the Petition Date, LJW-3 was

engaged in the construction of a Staybridge Suites hotel in Miamisburg, Ohio. This contract was terminated by the owner prior to the Petition Date. As of the Petition Date, LJW-3 had no ongoing construction projects.

f. Debtor LJW-4 Ricop, LLC (“LJW-4”) is an Ohio limited liability company formed on September 30, 2014. LJW-4 was designated to perform construction projects primarily in the manufacturing industry. Prior to the Petition Date, LJW-4 was engaged in the construction of a manufacturing facility in Canal Winchester. This contract was terminated by the owner prior to the Petition Date. As of the Petition date, LJW-4 had no ongoing construction projects.

g. Debtor LJW-5 Ricop, LLC (“LJW-5”) is an Ohio limited liability company formed on September 30, 2014. LJW-5 was created for the purpose of performing construction projects in other industries, as the need arose. Prior to the Petition Date, LJW-5 was engaged in the construction of a multi-use development in Hilliard, Ohio, consisting of retail and apartments. This contract was terminated by the owner prior to the Petition Date. As of the Petition Date, LJW-5 had no ongoing construction projects.

5. The Trustee is further informed and believes that, following the creation of LJW-1, LJW-2, LJW-3, LJW-4 and LJW-5 (collectively, referred to as the “Subsidiaries”), Ricop acted as the management company for each of the Subsidiaries, and was primarily responsible for providing employees and equipment on a project-by-project basis. Further, Ricop, LJW, and the Subsidiaries all operated out of the same office, located at 2040 Fairwood Avenue, Columbus, OH 43207.

6. The Trustee is further informed and believes that, beginning in 2015, due in large part to various project delays, Ricop and certain of the Subsidiaries began encountering cash flow issues. In an attempt to alleviate some of the financial pressures, Ricop, LJW and certain of the Subsidiaries began lending between one another on an as needed basis. These intercompany loans continued to occur through the beginning of 2017, at which time the determination was made that Ricop, LJW and the Subsidiaries were no longer viable entities, and the decision was made to file these chapter 7 cases.

### **III. RELIEF REQUESTED**

7. Bankruptcy Rule 1015(b) provides that , if two or more petitions are pending in the same court by or against a debtor and an affiliate, “the court may order a joint administration of the estates.” Fed. R. Bankr. P. 1015 (b). The Debtors are “affiliates,” as that term is defined in 11 U.S.C. § 101(2). As stated above, Ricop Construction Company and LJW-Ricop Enterprises, Inc. have overlapping and related ownership and LJW- 1 Ricop LLC, LJW-2 Ricop LLC, LJW-3 Ricop LLC, LJW-4 Ricop LLC and LJW-5 Ricop LLC are wholly owned subsidiaries of LJW-Ricop Enterprises, Inc. Accordingly, this Court is authorized to grant the relief requested.

8. The joint administration of the Debtors’ Chapter 7 cases will permit the Clerk of Court to utilize a single general docket for these cases and combine notices to creditors of the Debtors’ respective estates and other parties in interest. The Trustee anticipates that numerous notices, applications, motions and other pleadings and orders in these cases will affect all of the Debtors. Joint administration will permit counsel for all parties in interest to include the Debtors’ respective cases in a single caption on the number documents that will be filed and served in these cases. Joint administration also will enable parties in interest in each of the above captioned Chapter 7 cases to be apprised of the various matters before the Court in all of the cases.

9. These cases involve Debtors with numerous creditors, the entry of an order of joint administration will (a) significantly reduce the volume of paper that otherwise would be filed with the Clerk of Court, (b) render the completion of various administrative tasks less costly, and (c) minimize the number of unnecessary delays associated with the administration of numerous separate Chapter 7 cases. Additionally, because this is not a motion for the substantive consolidation of the Debtors' estates, the rights of the parties in interest will not be prejudiced or otherwise affected in any way by the entry of an order directing the joint administration of the Debtors' Chapter 7 cases.

10. An order of joint administration relates to the routine administration of a case. Moreover, the entry of joint administration orders in multiple related cases such as a these is common.

11. For all of the foregoing reasons, the Trustee respectfully requests the immediate entry of an Order providing for the joint administration of the Debtors' Chapter 7 cases pursuant to Bankruptcy Rule 1015(b).

#### **IV. WAIVER OF MEMORANDUM OF LAW**

12. The Trustee submits that this Motion does not present any novel issues of law requiring further briefing. Therefore, the Trustee requests that the Court waive the requirement pursuant to Rule 9013-1(a) of the Local Rules for the United States Bankruptcy Court for the Southern District of Ohio for a separate memorandum in support of this Motion.

#### **V. NOTICE**

13. Notice of this Motion will be given to debtors' counsel, Unites States Trustee

and all creditors and parties in interest of all Debtors. In light of the nature of the relief requested herein, the Trustee submits that no other or further notice is required.

14. No prior request for the relief sought in this Motion has been made to this or any other Court.

WHEREFORE, the Trustee respectfully requests that the Court enter an order substantially in the form of the proposed Order Directing Joint Administration of Related Chapter 7 Cases attached hereto as Exhibit "A", granting the relief requested herein and such other further relief the Court deems just and proper.

Respectfully submitted,

/s/ Christal L. Caudill  
Christal L. Caudill  
Chapter 7 Trustee  
3757 Attucks Drive  
Powell Ohio 43065  
Telephone: (614) 389-4942  
Facsimile: (614) 389-3857  
[clcaudill@caudill-law.com](mailto:clcaudill@caudill-law.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Chapter 7 Trustee's Motion for Joint Administration of Multiple Debtor Bankruptcy Cases was served (i) **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) by **ordinary U.S. Mail**, postage prepaid on **March 14, 2017** addressed to:

All Parties on the attached list

/s/Christal L.Caudill  
Christal L. Caudill



Label Matrix for local noticing  
0648-2  
Case 2:17-bk-50897  
Southern District of Ohio  
Columbus  
Tue Mar 14 11:33:19 EDT 2017

2040 Enterprise Ltd.  
125 Hillcrest Dr.  
Lancaster, OH 43130-7400

Thomas R Allen  
Allen Kuehnle Stovall & Neuman LLP  
17 South High Street, Suite 1220  
Columbus, OH 43215-3441

Alpha Associates, Incorporated  
c/o Richard A. Colebank  
209 Prairie Avenue  
Morgantown, WV 26501-5934

Asst US Trustee (Col)  
Office of the US Trustee  
170 North High Street  
Suite 200  
Columbus, OH 43215-2417

Attn: BMW Bank of North America Department  
Ascension Capital Group  
Account: XXXXX6701  
P.O. Box 165028  
Irving, TX 75016-5028

AuF Drug Testing Service  
26101 Village Ln. Suite 302  
Cleveland, OH 44122-7525

BMW Bank of North America  
c/o Ascension Capital Group  
P.O. Box 165028  
Irving, TX 75016-5028

BMW Bank of North America  
PO Box 78066  
Phoenix, AZ 85062-8066

Barry Farmer Draperies, Inc.  
11635 Deerfield Rd.  
Cincinnati, OH 45242-1421

Becky Beatty  
125 Hillcrest Dr.  
Lancaster, OH 43130-7400

Christal L Caudill  
3757 Attucks Drive  
Powell, OH 43065-6080

Chase Card Services  
c/o Cardmember Service  
PO Box 94014  
Palatine, IL 60094-4014

Christopher J. Minnillo  
1500 W. Third Avenue, Suite 210  
Columbus, Ohio 43212-2817

Comcast Cable  
PO Box 7500  
Southeastern, PA 19398-7500

Cook Brothers Bldg. & Excav Inc.  
4006 Freedom Hwy. Ste. 1  
Fairmont, WV 26554-0001

Cook Brothers Building & Excavating, Inc  
c/o Kenneth Cook  
4006 Freedom Hwy., Ste. 1  
Fairmont, WV 26554-0001

Dominion Transmission, Inc.  
c/o Steptoe & Johnson PLLC  
400 White Oaks Blvd.  
Bridgeport, WV 26330-4500

Donald Schofield & Assoc., Inc.  
72 Mill Street  
Gahanna, OH 43230-3012

Duke Energy Ohio, Inc.  
PO Box 1326  
Charlotte, OH 28201-1326

Emens & Wopler Law Firm, LPA  
One Easton Oval, Suite 500  
Columbus, OH 43219-6061

Fairfield Heating & Cooling, Inc.  
512 S. Broad St.  
Lancaster, OH 43130-4326

Harry Green Chevrolet, Inc.  
c/o Harry L. Green, III  
Route 50 East  
Clarksburg, WV 26302

INTERNAL REVENUE SERVICE  
PO BOX 7346  
PHILADELPHIA, PA 19101-7346

Indiana Department of Revenue  
P.O. Box 7206  
Indianapolis, IN 46207-7206

J. Yankle Company Ltd.  
6061 Taylor Road  
Columbus, OH 43230-3211

Key Blue Prints Inc.  
195 E. Livingston Ave.  
Columbus, OH 43215-5793

Kris-Krete Concrete  
Attn: David Moore  
PO Box 945  
Charleston, WV 25323-0945

LJW-1-Ricop LLC  
2040 Fairwood Avenue  
Columbus, OH 43207-1735

LJW-2-Ricop LLC  
2040 Fairwood Avenue  
Columbus, OH 43207-1735

LJW-3 Ricop LLC  
2040 Fairwood Avenue  
Columbus, OH 43207-1735

LJW-4 Ricop LLC  
2040 Fairwood Avenue  
Columbus, OH 43207-1735

LJW-5 Ricop LLC  
2040 Fairwood Avenue  
Columbus, OH 43207-1735

LJW-Ricop Enterprises Inc.  
2040 Fairwood Avenue  
Columbus, OH 43207-1735

Lawn Jon Grounds Care Inc.  
3601 Summit Road  
Pataskala, OH 43062-8878

Lee Westfell  
Isaac Wiles Burkholder & Teetor LLC  
Two Miranova Place, Suite 700  
Columbus, OH 43215-5098

Maxim Construction Company  
7275 Lancaster Circleville Rd.  
Lancaster, OH 43130-9203

Microtel Inn & Suites  
480 Moxie Lane  
Delphos, OH 45833-9181

Christopher J Minnillo  
1500 W Third Ave Suite 210  
Columbus, OH 43212-2817

Monarch Automative Inc  
1502 Wheeling Avenue  
Glen Dale, WV 26038-1732

NIPSCO  
PO Box 13007  
Merrillville, IN 46411-3007

Ohio Bureau of Workers' Compensation  
Attn. Law Section Bankruptcy Unit  
P.O. Box 15667  
Columbus, OH 43215-0667

Ohio Department of Job and Family Svcs  
PO Box 182404  
Columbus, OH 43218-2404

Ohio Department of Taxation  
Attn: Bankruptcy Division  
PO Box 530  
Columbus, OH 43216-0530

Ohio Valley Septic Inc.  
190 Valley View Drive  
Wheelersburg, WV 26070-1247

Progressive Electric  
Attn: Norm Daniels  
300 Summers Street, Suite 1270  
Charleston, WV 25301-1630

Raze International  
4295 Central Ave.  
Shadyside, OH 43947-1276

Ricop Construction Company  
2040 Fairwood Avenue  
Columbus, OH 43207-1735

Roetzel & Andress Co., LPA  
c/o Jeremy S. Young  
155 East Broad St., 12th Floor  
Columbus, OH 43215-3615

Speedway  
PO Box 740587  
Cincinnati, OH 45274-0587

UPS  
PO Box 7247-0244  
Philadelphia, PA 19170-0001

Verizon Wireless  
PO Box 25505  
Lehigh Valley, PA 18002-5505

Walter Beatty  
125 Hillcrest Drive  
Lancaster, OH 43130-7400

Webb Plumbing  
Attn: Stephen Hoyer  
22 Capital Street  
Charleston, WV 25301-2824

West Virginia State Tax Department  
PO Box 3694  
Charleston, WV 25336-3694

Zashin & Rich Co., LPA  
950 Main Ave., 4th Floor  
Cleveland, OH 44113-7215

newImage Business Cards  
121 Academy Ct.  
Gahanna, OH 43230-6138



## **EXHIBIT A**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re:	:	
	:	Case No. 17-50897
RICOP CONSTRUCTION CO.	:	
	:	Chapter 7
	:	
Debtor.	:	Judge C. Kathryn Preston
_____	:	
	:	
LJW-RICOP ENTERPRISES, INC.	:	Case No. 17-50898
	:	
	:	Chapter 7
	:	
Debtor.	:	Judge C. Kathryn Preston
_____	:	
	:	
LJW-1 RICOP, LLC	:	Case No. 17-50899
	:	
	:	Chapter 7
	:	
Debtor.	:	Judge C. Kathryn Preston
_____	:	
	:	

LJW-2 RICOP, LLC	:	Case No. 17-50901
	:	
	:	Chapter 7
Debtor.	:	
	:	Judge C. Kathryn Preston
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LJW-3 RICOP, LLC	:	Case No. 17-50902
	:	
	:	Chapter 7
Debtor.	:	
	:	Judge C. Kathryn Preston
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LJW-4 RICOP, LLC	:	Case No. 17-50904
	:	
	:	Chapter 7
Debtor.	:	
	:	Judge C. Kathryn Preston
<hr/>		
LJW-5 RICOP, LLC	:	Case No. 17-50905
	:	
	:	Chapter 7
Debtor.	:	
	:	Judge C. Kathryn Preston

**ORDER GRANTING MOTION OF THE CHAPTER 7 TRUSTEE SEEKING JOINT  
ADMINISTRATION OF MULTIPLE DEBTOR BANKRUPTCY CASES**  
(REL DOC NO. \_\_\_\_)

This matter coming before the Court on the Motion of the Chapter 7 Trustee (“Trustee”) for an Order directing joint administration of related chapter 7 cases of Ricop Contruction Co. (17-50897), LJW-Ricop Enterprises Inc. (17-50898), LJW-1 Ricop, LLC (17-50899), LJW-2 Ricop LLC (17-50901), LJW3-Ricop LLC (17-50902), LJW-4 Ricop LLC (17-50904), and LJW-5 Ricop LLC (17-50905) (the “Motion”); the Court having reviewed the Motion; and the Court finding that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) this is a core proceeding, (c) notice of the Motion was sufficient under the

circumstances, and (d) the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and this court having determined that granting the relief requested in the Motion is in the best interests of the Debtors, their estates and their creditors; and after due deliberation and sufficient cause appearing therefore;

**IT IS HEREBY ORDERED:**

1. The Motion is Granted.
2. The Debtors' respective captioned and numbered cases shall be, and hereby are, consolidated for procedural purposes only and shall be administered jointly in accordance with Bankruptcy Rule 1015(b).
3. Pleadings in these cases are authorized and required to bear a consolidated caption in the form set forth on Exhibit A attached hereto.
4. Parties are directed to ensure that motions, applications or other filings specify whether a filing affects all Debtors or just one Debtor and if so, to be clear which Debtor is affected, as set forth in Exhibit A.
5. A docket entry shall be made in each of the above captioned and numbered cases substantially as follows:

An Order has been entered in this case directing the joint administration of the Chapter 7 cases of Ricop Contruction Co., LJW-Ricop Enterprises, Inc, LJW-1 Ricop, LLC, LJW-2 Ricop LLC, LJW3-Ricop LLC, LJW-4 Ricop LLC, and LJW-5 Ricop LLC. The docket in Case No. 17-50897 should be consulted for all matters affecting this case.
6. Notwithstanding this Order, proofs of claim shall be filed in each specific case.

This Order is designed to facilitate the joint administration of docket related items (motions, applications, etc.).

7. The Court shall retain jurisdiction to hear and determine all matters arising from or relating to the implementation of this Order.

8. The requirement pursuant to Local Bankruptcy Rule 9013-1(a) that the Trustee file a memorandum of law in support of the Motion is hereby waived.

9. Notwithstanding the possible applicability of Bankruptcy Rule 9014 or otherwise, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry. The clerk of the Court is hereby directed to enter this Order on the docket in each of the Cases.

10. Nothing contained in the Motion or this Order shall be deemed or construed as directing or otherwise effecting a substantive consolidation of the above-captioned chapter 7 cases.

**IT IS SO ORDERED.**

Copies to: All Creditors and Parties in Interest

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re: \_\_\_\_\_ :  
 \_\_\_\_\_ : Case No. 17-50897  
 \_\_\_\_\_ : (Jointly Administered)  
 RICOP CONSTRUCTION CO., *et al.*, \_\_\_\_\_ :  
 \_\_\_\_\_ : Chapter 7  
 \_\_\_\_\_ :  
 Debtors. \_\_\_\_\_ : Judge C. Kathryn Preston

This filing Affects:

\_\_\_\_\_ All Debtors

\_\_\_\_\_ Ricop Construction Co.  
(17-50897)

\_\_\_\_\_ LJW-Ricop Enterprises Inc.  
(17-50898)

\_\_\_\_\_ LJW-1 Ricop LLC  
(17-50899)

\_\_\_\_\_ LJW-2 Ricop LLC  
(17-50901)

\_\_\_\_\_ LJW-3 Ricop LLC  
(17-50902)

\_\_\_\_\_ LJW-4 Ricop LLC  
(17-50904)

\_\_\_\_\_ LJW-5 Ricop LLC  
(17-50905)